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S/P

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KENNETH ALAN SHIFFER,

: CIVIL ACTION

Petitioner :

v.

: No. 1:CV-00-1829

BEN VARNER, ET AL.,

FILED

HARRISBURG, PA

Respondents :

MAY 10 2001

PETITIONER'S REPLY TO RESPONDENTS RESPONSE TO COURT'S ORDER DATED APRIL 24, 2001

MARY E. D'ANDREA, CLERK
Per GJ Deputy Clerk

Kenneth Alan Shiffer, Petitioner, hereby files the following reply to Respondents response to this court's order dated April 24, 2001:

1. On or about April 27, 2001, Respondents filed their answer to this Court's order concerning the reason or reasons as why they did not answer the Petitioner's petition within the time limit given by this Court.

2. Petitioner strongly objects to the Respondents reasons for not filing their answer within the allotted period of time set forth by the Court.

3. Respondents also requested more time to file their answer to the Petitioner's petition in their response to this court's order to show cause.

4. Respondents filed their answer to Petitioner's petition on or about April 26, 2001, two days before filing their petition to the order dated April 24, 2001.

5. Respondents answer to Petitioner's petition was not complete, and also included many incorrect, false and misleading statements. The answer of the Respondents should include all appeal briefs and decisions that were made. In this instance, the Respondents only filed a very short, incomplete reply that does not cover the issues brought forth before this Court.

6. Respondents never filed for an extension of time in order to file their answer, and by requesting it now in their reply to the Courts order is improper.

7. Respondents never waited for this Court's order, allowing them until May 4, 2001 to file their answer. Respondents proceeded with the filing of their answer assuming that the extension of time would be granted by this Court.

8. If the Respondents were having problems putting together all of the legal documents, then the Respondents should have petitioned this Court for an extension of time but failed to do so.

9. The Respondents failed to prove good cause or show any reasons as to why the Respondents did not file their answer to the Petitioner's petition in a timely manner and in accordance with this Court's order.

WHEREFORE, Petitioner respectfully request that this Honorable court deny the Respondents' answer to petitioner's petition, due to it being filed out of time, and not showing just cause as to why it was not filed within a timely manner and for not petitioning this Court for an extension of time properly.

Respectfully submitted,



Kenneth Shiffer
AT-1194
1000 Follies Road
Dallas, Pa. 18612-0286

CERTIFICATION OF SERVICE

I, Kenneth Alan Shiffer, hereby certify that on the below date a copy of the within document was served by placing same, first-class postage prepaid, in the United States Mail, addressed to:

John W. McDanel, Esquire
Office of District Attorney
Court House
Main Street
Bloomsburg, Pa. 17815

Francis R. Filipi, Esquire
Office of Attorney General
Strawberry Square
Harrisburg, Pa. 17120



Kenneth Shiffer
Petitioner

May 7, 2001